

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|------------------------------|---|----------------------|
| KERRI M. HILL, |) | |
| |) | |
| Plaintiff, |) | 8:04CV613 |
| |) | |
| v. |) | |
| |) | |
| EMERGENCY DENTAL, BRENTWOOD |) | MEMORANDUM AND ORDER |
| DENTAL GROUP, MICHAEL OBENG, |) | |
| and JARED DERR, |) | |
| |) | |
| Defendants. |) | |
| |) | |

Defendants Emergency Dental, Inc. and Jared Derr filed a motion to compel on June 9, 2006. Filing 128. The plaintiff responded to the motion on June 27, 2006. Filings 151 and 152. No reply was filed, and pursuant to this court's local rules, the motion was therefore deemed submitted on July 10, 2006.

On July 7, 2006, a memorandum and order was filed which granted the defendants' motion for summary judgment on all claims arising under federal law. The court further held that this court would not exercise supplemental jurisdiction over the state law claims, and remanded those claims to the District Court of Douglas County, Nebraska.¹

Accordingly, as of the July 7, 2006 memorandum and order, this case was no longer on this court's trial docket. Nonetheless, on July 21, 2006, an order was entered which granted, in part, the filing 128 motion to compel. Filing 157. This order was improvidently entered and should be withdrawn. To the extent that the issues raised in the filing 128 motion to

¹The case was originally filed in the District Court of Douglas County, Nebraska and removed to this forum. Filing 1.

compel remain unresolved, those matters are best reserved for state court determination.

IT THEREFORE HEREBY IS ORDERED: The court's order on the filing 128 motion to compel filed by defendants Emergency Dental, Inc. and Jared Derr, filing 157, is withdrawn.

DATED this 26th day of July, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge